

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

PRIORITY RECORDS LLC, a California
limited liability company; UMG
RECORDINGS, INC., a Delaware corporation;
SONY BMG MUSIC ENTERTAINMENT, a
Delaware general partnership; INTERSCOPE
RECORDS, a California general partnership;
WARNER BROS. RECORDS INC., a
Delaware corporation; ELEKTRA
ENTERTAINMENT GROUP INC., a
Delaware corporation; and ARISTA
RECORDS LLC, a Delaware limited liability
company,

Plaintiffs,

Case No. 07-13515

v.

HONORABLE DENISE PAGE HOOD

MICHAEL KNOX,

Defendant.

ORDER OF DEFAULT JUDGMENT AND GRANTING PERMANENT INJUNCTION

I. BACKGROUND

Plaintiffs filed suit against Michael Knox for copyright infringement under 17 U.S.C. § 101, seeking damages and injunctive relief. Plaintiff claims to be the copyright owners or licensees of exclusive rights under United States copyright law with respect to certain copyrighted sound recordings, and that Defendant Michael Knox used LimeWire to distribute 452 audio files over the Internet.

Plaintiff served Defendant with a copy of the complaint on September 25, 2007. An answer was due on October 15, 2007, but Defendant Knox failed to respond.

A default was subsequently entered against Defendant Knox on October 23, 2007 **(Docket No. 6)** after Defendant failed to respond to the complaint. Plaintiffs now apply for entry of Default Judgment against Defendant Michael Knox, pursuant to Rule 55 of the Federal Rules of Civil Procedure **(Docket No. 7)**, filed October 26, 2007.

II. ANALYSIS

Fed.R.Civ. Rule 55(a) provides: When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend as provided by these rules and that fact is made to appear by affidavit or otherwise, the clerk shall enter the party's default." Fed.R.Civ.P. Rule 55(b)(2) states upon application by the party, the Court may enter a Judgment by Default. Rule 55(b)(2) further states: "If, in order to enable the court to enter judgment or to carry it into effect, it is necessary to take an account or to determine the amount of damages or to establish the truth of any averment by evidence or to make an investigation of any other matter, the court may conduct such hearings or order such references as it deems necessary and proper..."

Here, a Clerk's entry of default was entered against Defendant Knox on October 23, 2007. **(Docket No. 6)**. Plaintiffs now seek a default judgment under Fed.R.Civ.P. Rule 55(b)(2) in the amount of \$8,050.00. Plaintiffs seek the minimum statutory damages of \$750 per infringed work, as authorized by the Copyright Act (17 U.S.C. § 504(c)(1)) for the ten sound recordings listed below. Plaintiffs also requests that Defendant pay Plaintiffs' costs of suit, in the amount of \$550. Plaintiffs specifically request:

1. Defendant pay the minimum statutory damages of \$750 per infringed work, as authorized under the Copyright Act (17 U.S.C. § 504(c)(1)), for each of the ten sound recordings listed in Exhibit A to the Complaint, in the total principal sum of

Seven Thousand Five Hundred Dollars (\$7,500.00);

2. Defendant further pay Plaintiffs' costs of suit herein in the amount of Five Hundred Fifty Dollars (\$550.00);
3. Defendant be enjoined from directly, or indirectly, infringing Plaintiffs' rights under federal or state law in the following copyrighted sound recordings:

- 1) "You Can Do It," on album "War & Peace: Vol. 2," by artist "Ice Cube" (SR# 287-151);

- 2) "Sweet Child O'Mine," on album "Appetite for Destruction," by artist "Guns N Roses" (SR# 85-358);

- 3) "Go The Distance," on album "All That Matters," by artist "Michael Bolton" (SR# 248-898);

- 4) "Stan," on album "The Marshall Mathers LP," by artist "Eminem" (SR# 287-944);

- 5) "Never Going Back Again," on album "Rumours," by artist "Fleetwood Mac" (SR# N39857);

- 6) "Hotel California," on album "Hotel California," by artist "Eagles" (SR# N38950);

- 7) "He's Got You," on album "The Greatest Hits Collection," by artist "Brooks & Dunn" (SR# 242-907);

- 8) "Hot in Herre," on album "Nellyville," by artist "Nelly" (SR# 315-

537);

- 9) "Hailie's Song," on album "Eminem Show," by artist "Eminem" (SR#

317-924);

10) “I Need Love,” on album “Bigger and Deffer,” by artist “LL Cool J”

(SR# 83-510);

and in any other sound recording, whether now in existence or later created, that is owned or controlled by the Plaintiffs (or any parent, subsidiary, or affiliate record label of Plaintiffs) (“Plaintiffs’ Recordings”), including without limitation by using the Internet or any online media distribution system to reproduce any of Plaintiffs’ Recordings, to distribute any or Plaintiffs’ Recordings, or to make any of Plaintiffs’ Recordings available for distribution to the public, except pursuant to a lawful licence or with the express authority of Plaintiffs.

4. Defendant destroy all copies of Plaintiffs’ Recordings that Defendant has downloaded unto any computer hard drive or server without Plaintiffs’ authorization and destroy all copies of those downloaded recordings transferred onto any physical medium or device in Defendant’s possession, custody, or control.

III. CONCLUSION

Plaintiffs are granted default judgment and damages as requested and supported by the record.

IT IS ORDERED that Defendant pay the minimum statutory damages of \$750 per infringed work, as authorized under the Copyright Act (17 U.S.C. § 504(c)(1)), for each of the ten sound recordings listed in Exhibit A to the Complaint. Accordingly, having been adjudged to be in default, Defendant shall pay damages to Plaintiffs for infringement of Plaintiffs’

copyrights in the sound recordings listed in Exhibit A to the Complaint, in the total principal sum of Seven Thousand Five Hundred Dollars (\$7,500.00).

IT IS ORDERED that Defendant shall further pay Plaintiffs' costs of suit herein in the amount of Five Hundred Fifty Dollars (\$550.00).

IT IS ORDERED that Defendant shall be and hereby is enjoined from directly, or indirectly, infringing Plaintiffs' rights under federal or state law in the following copyrighted sound recordings:

- 1) "You Can Do It," on album "War & Peace: Vol. 2," by artist "Ice Cube" (SR# 287-151);
- 2) "Sweet Child O'Mine," on album "Appetite for Destruction," by artist "Guns N Roses" (SR# 85-358);
- 3) "Go The Distance," on album "All That Matters," by artist "Michael Bolton" (SR# 248-898);
- 4) "Stan," on album "The Marshall Mathers LP," by artist "Eminem" (SR# 287-944);
- 5) "Never Going Back Again," on album "Rumours," by artist "Fleetwood Mac" (SR# N39857);
- 6) "Hotel California," on album "Hotel California," by artist "Eagles" (SR# N38950);
- 7) "He's Got You," on album "The Greatest Hits Collection," by artist "Brooks & Dunn" (SR# 242-907);
- 8) "Hot in Herre," on album "Nellyville," by artist "Nelly" (SR# 315-537);
- 9) "Hailie's Song," on album "Eminem Show," by artist "Eminem" (SR# 317-924);
- 10) "I Need Love," on album "Bigger and Deffer," by artist "LL Cool J" (SR# 83-510);

and in any other sound recording, whether now in existence or later created, that is owned or controlled by the Plaintiffs (or any parent, subsidiary, or affiliate record label of Plaintiffs) (“Plaintiffs’ Recordings”), including without limitation by using the Internet or any online media distribution system to reproduce any of Plaintiffs’ Recordings, to distribute any or Plaintiffs’ Recordings, or to make any of Plaintiffs’ Recordings available for distribution to the public, except pursuant to a lawful licence or with the express authority of Plaintiffs.

IT IS FURTHER ORDERED that Defendant also shall destroy all copies of Plaintiffs’ Recordings that Defendant has downloaded unto any computer hard drive or server without Plaintiffs’ authorization and shall destroy all copies of those downloaded recordings transferred onto any physical medium or device in Defendant’s possession, custody, or control.

s/ DENISE PAGE HOOD
DENISE PAGE HOOD
United States District Judge

DATED: January 8, 2008

I hereby certify that a copy of the foregoing document was served upon counsel of record on January 8, 2008, by electronic and/or ordinary mail.

S/William F. Lewis
Case Manager